

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. Interview of May 4, 2007

The applicant is appreciative of the opportunity to discuss the pending application with the examiner on May 4, 2007. During the interview, the subject matter of the pending claims, proposed amendments, and U.S. patent nos. 3,480,145 (*Gladden*), 3,704,777 (*Linnebuhr*), 3,921,983 (*Taylor*), and 4,331,335 (*Starkweather*) were discussed.

Proposed amendments to claims 1 and 23 were discussed which are drawn to clarifying that the method of trapping an insect includes inducing an insect in contact with the composition to become at least partially coated with the composition and destabilized, and clarifying that the composition is a powder suitable for adhering to insects were discussed. The examiner indicated that these proposals were insufficient to distinguish the pending claims from the prior art cited to reject claims 1-14, 23-29, 46 and 47.

Upon further discussion, it was agreed that incorporating the subject matter of claim 2 into claims 1 and 23 would be sufficient to overcome the rejection of the claims in view of the *Linnebuhr*, *Taylor*, and *Starkweather* patents. It was further agreed that a recitation in claims 1 and 23, in addition to the incorporation of the subject matter of claim 2, that an entrance open to the ambient and allowing access to the an interior of the housing would distinguish claims 1 and 23 from the *Gladden* patent.

Accordingly, the above agreed upon amendments are submitted herewith.

2. In the claims

As shown in the foregoing AMENDMENT TO THE CLAIMS, the claims have been amended to more clearly point out the subject matter for which protection is sought.

A. Claim amendments

Claim 1 is amended to recite that the entrance is open to the ambient and allows access to an interior of the housing, and to incorporate the subject matter of dependent claim 2. It is respectfully submitted that no new matter is added, since the amendment merely merges the subject matter of claims, and support for the amendment is found at least in Figs. 1B and 1C, and on page 11, lines 30-31.

Claim 2 is canceled and the subject matter thereof added to claims 1 and 23.

Claims 3-7 remain unchanged.

Claim 8 is amended in accordance with the suggestion in the Office action to recite particles which "each" comprise.

Claims 9-11 remain unchanged.

Claims 12-14 are amended to depend from claim 10 in order to provide proper antecedent basis for all of the limitations in the claims.

Claims 15-22 remain canceled.

Claim 23 is amended to include the subject matter of claim 2 and to recite an entrance that is open to the ambient and allows access to an interior of the housing. It is respectfully submitted that no new matter is added, since the amendment merely merges the subject matter of claims, and support for the amendment is found at least in Figs. 1B and 1C, and on page 11, lines 30-31.

Claims 24-27 remain unchanged.

Claim 28 is amended to clarify that the particles further comprise a pesticidal composition.

Claims 29, 46, and 47 remain unchanged.

Claims 30-45 and 48-50 remain canceled.

Entry of the AMENDMENT TO THE CLAIMS is respectfully requested in the next Office communication.

B. Objection to claims 8-11

Reconsideration and removal of this objection is respectfully requested, in view of the amendment to claim 8, on the basis that the suggestion in the Office action is incorporated into claim 8.

Accordingly, removal of this objection is respectfully requested.

C. Rejection of claims 12-14 and 28 under 35 U.S.C. § 112 second paragraph

Reconsideration and withdrawal of this rejection is respectfully requested, in view of the amendments to claims 12-14 and the amendment to claim 28, on the basis that the amended claims are clear and definite.

With respect to claims 12-14, the claims have been amended as suggested in the Office action in order to provide proper antecedent basis for every limitation in the claims.

With respect to claim 28, the claim has been amended to remove confusion by clarifying that the particles further comprise a pesticidal composition.

Accordingly, withdrawal of this rejection is respectfully requested.

3. Rejection of claims 1, 3-10, 14, 23-27, 29, 46, and 47 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 3,921,983 (*Taylor*)

Reconsideration of this rejection is respectfully requested, in view of the amendments to claims 1 and 23, on the basis that the *Taylor* patent fails to disclose each and every limitation of amended claims 1 and 23. The remaining claims depend from either claim 1 or 23, and are therefore patentable as containing all of the limitations of one of claims 1 and 23, as well as for their respective recited features.

As discussed and agreed during the interview of May 4, 2007, the *Taylor* patent fails to disclose an insect trap or a method of trapping insects utilizing a composition that at least partially coats or is suitable for adhering to insects, wherein

the composition includes particles having an average particle size diameter in the range from 2 to 100 μ m, as required by amended claims 1 and 23.

The embodiments of the pending claims are drawn to a method and an apparatus for trapping insects utilizing a composition that at least partially coats or is suitable for adhering to insects. In order to accomplish the coating of or adhering to insects, the composition includes particles having an average particle size diameter in the range from 2 to 100 μ m.

In contrast, the *Taylor* patent discloses a game device and storage box utilizing a number of magnetically attractable discs or marker 16 (abstract; col. 2, lines 26-29). While the size of the markers 16 is not explicitly disclosed, they are inherently larger than the particle size diameter in the range from 2 to 100 μ m that is required by amended claims 1 and 23. This is clear from the fact that the individual markers 16 are designed to be viewed and manipulated by physical contact with the hands of users.

There is no suggestion or reason that would have motivated a skilled artisan to reduce the size of the markers 16 of the *Taylor* patent to be within the range of 2 to 100 μ m that is required by amended claims 1 and 23. Such a modification would destroy the function of the game device of the *Taylor* patent, in that users would not be able to see and/or manipulate the individual game pieces with their hands. Thus, the game device of the *Taylor* patent would cease to function as a game device.

Accordingly, withdrawal of this rejection is respectfully requested.

4. Rejection of claims 1-7, 14, 23-27, 29, 46, and 47 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 3,480,145 (*Gladden*)

Reconsideration of this rejection is respectfully requested, in view of the amendments to claims 1 and 23, on the basis that the *Gladden* patent fails to disclose each and every limitation of amended claims 1 and 23. The remaining claims depend from either claim 1 or 23, and are therefore patentable as containing all of the limitations of claims 1 or 23, as well as for their respective recited features.

As discussed and agreed during the interview of May 4, 2007, the *Gladden* patent fails to disclose an apparatus or a method for trapping insects wherein a housing has an entrance open to the ambient and allows access to an interior of the housing, as required by amended claims 1 and 23.

As discussed above, the embodiments of the pending claims are drawn to a method and an apparatus for trapping insects utilizing a composition that at least partially coats or is suitable for adhering to insects. In order to accomplish the trapping of the insects, a housing is provided that includes an entrance that communicates between the ambient and the interior of the housing such that insects may enter the housing from the ambient surroundings.

In contrast, the *Gladden* patent discloses an oil filter 14 that utilizes external magnets 28 for trapping magnetic particles within the filter 14 (col. 2, lines 18-23, 29-31, and 41-46). While the filter can 14 may be considered a housing and the filter includes a pair of conduits 20, 22, these conduits and the filter are part of a closed system that circulates oil through the internal combustion engine 10. The systems is a closed system so that additional debris does not enter the oil path to damage the engine.

The conduits thus may not be considered as an entrance that is open to the ambient that allows access to the interior of the housing, or filter, since the conduits only open to the closed loop system of the oil circulation loop. Thus, the *Gladden* patent fails to disclose or suggest a method or apparatus for trapping insects according to the recitations of the pending claims.

Accordingly, withdrawal of this rejection is respectfully requested.

5. Rejection of claims 1, 3-5, 23-27, 29, 46, and 47 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 4,331,335 (*Starkweather*)

Reconsideration of this rejection is respectfully requested, in view of the amendments to claims 1 and 23, on the basis that the *Starkweather* patent fails to disclose each and every limitation of amended claims 1 and 23. The remaining claims

depend from either claim 1 or 23, and are therefore patentable as containing all of the limitations of claims 1 or 23, as well as for their respective recited features.

As discussed and agreed during the interview of May 4, 2007, the *Starkweather* patent fails to disclose an insect trap or a method of trapping insects utilizing a composition that at least partially coats or is suitable for adhering to insects, wherein the composition includes particles having an average size diameter in the range from 2 to 100 μ m, as required by amended claims 1 and 23.

The embodiments of the pending claims are drawn to a method and an apparatus for trapping insects utilizing a composition that at least partially coats or is suitable for adhering to insects. In order to accomplish the coating of or adhering to insects, the composition includes particles having an average particle size diameter in the range from 2 to 100 μ m.

In contrast, the *Starkweather* patent discloses a hardware element storage dispenser or game for storing and dispensing metallic objects such as bolts, screws, paper clips, or other similar hardware elements (col. 1, lines 6-12, 23-25). As seen at 44 in Fig. 2, a pile of magnetic objects are retained for dispensing.

While the particular size of the elements is not explicitly disclosed, they are inherently larger than the particle size diameter in the range from 2 to 100 μ m that is required by amended claims 1 and 23. This is clear from the fact that the individual elements are designed to be removed and manipulated from the storage and game device by physical contact with the hands of users.

There is no suggestion or reason that would have motivated a skilled artisan to reduce the size of the elements of the *Starkweather* patent to be within the range of 2 to 100 μ m that is required by amended claims 1 and 23. Such a modification would destroy the function of the game device of the *Starkweather* patent, in that users would not be able to see and/or manipulate the individual elements with their hands. Thus, the storage and game device of the *Starkweather* patent would cease to function as a storage and game device.

Accordingly, withdrawal of this rejection is respectfully requested.

6. Rejection of claims 1-7, 14, 23-27, 29, 46, and 47 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 3,704,777 (*Linnebuhr*)

Reconsideration of this rejection is respectfully requested, in view of the amendments to claims 1 and 23, on the basis that the *Linnebuhr* patent fails to disclose each and every limitation of amended claims 1 and 23. The remaining claims depend from either claim 1 or 23, and are therefore patentable as containing all of the limitations of claims 1 or 23, as well as for their respective recited features.

As discussed and agreed during the interview of May 4, 2007, the *Linnebuhr* patent fails to disclose an insect trap or a method of trapping insects utilizing a composition that at least partially coats or is suitable for adhering to insects, wherein the composition includes particles having an average size diameter in the range from 2 to 100 μ m, as required by amended claims 1 and 23.

The embodiments of the pending claims are drawn to a method and an apparatus for trapping insects utilizing a composition that at least partially coats or is suitable for adhering to insects. In order to accomplish the coating of or adhering to insects, the composition includes particles having an average particle size diameter in the range from 2 to 100 μ m.

In contrast, the *Linnebuhr* patent discloses a container for storing magnetizable objects such paper clips (col. 1, lines 4-7). The container includes an opening 17 for retrieving the objects from the container (col. 4, lines 1-7).

While the particular size of the objects is not explicitly disclosed, they are inherently larger than the particle size diameter in the range from 2 to 100 μ m that is required by amended claims 1 and 23. This is clear from the fact that the individual objects are designed to be removed and manipulated from the container by physical contact with the hands of users.

There is no suggestion or reason that would have motivated a skilled artisan to reduce the size of the objects of the *Linnebuhr* patent to be within the range of 2 to

100 μ m that is required by amended claims 1 and 23. Such a modification would destroy the function of the container of the *Linnebuhr* patent, in that users would not be able to see and/or manipulate or remove the individual objects from the container with their hands. Thus, the container of the *Starkweather* patent would cease to function as a container allowing users to physically remove objects from therein.

Accordingly, withdrawal of this rejection is respectfully requested.

7. Rejection of claim 2 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 3,921,983 (*Taylor*)

This rejection is rendered moot by the cancellation of claim 2. In so far as this rejection may be applicable to amended claims 1 and 23, as discussed above, there is no suggestion or reason that would have motivated a skilled artisan to alter the size of the game pieces of the *Taylor* patent to fall within the particle size range recited in amended claim 1 and 23.

8. Rejection of claim 2 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 4,331,335 (*Starkweather*)

This rejection is rendered moot by the cancellation of claim 2. In so far as this rejection may be applicable to amended claims 1 and 23, as discussed above, there is no suggestion or reason that would have motivated a skilled artisan to alter the size of the elements of the *Starkweather* patent to fall within the particle size range recited in amended claim 1 and 23.

9. Rejection of claim 2 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 3,704,777 (*Linnebuhr*)

This rejection is rendered moot by the cancellation of claim 2. In so far as this rejection may be applicable to amended claims 1 and 23, as discussed above, there is no suggestion or reason that would have motivated a skilled artisan to alter the size of the objects of the *Linnebuhr* patent to fall within the particle size range recited in amended claim 1 and 23.

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10. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written in a cursive style.

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